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ORDINANCE OF THE COUNCIL OF THE CITY OF FRESNO  
PROPOSED AND INITIATED BY \_\_\_\_\_  
MOVED BY Borgeas SECONDED BY Brand

BILL NO. B-15

ORDINANCE NO. 2011-13

AN ORDINANCE OF THE CITY OF FRESNO, CALIFORNIA, AMENDING  
THE OFFICIAL ZONE MAP OF THE CITY OF FRESNO HERETOFORE  
ADOPTED BY ARTICLES 1 TO 4.5 INCLUSIVE, CHAPTER 12, OF THE  
FRESNO MUNICIPAL CODE, BEING THE ZONING ORDINANCE OF  
THE CITY OF FRESNO

WHEREAS, Rezone Application No. R-10-011 has been filed by Dirk Poeschel Land Development Services, Inc., on behalf of Wathen-Castanos Hybrid Homes, Inc., with the City of Fresno to rezone property as described herein below; and,

WHEREAS, pursuant to the provisions of Article 4, Chapter 12, of the Fresno Municipal Code, the Planning Commission of the City of Fresno held a public hearing on the 6<sup>th</sup> day of April, 2011, to consider Rezone Application No. R-10-011 and related Environmental Assessment No. A-10-010/R-10-011/C-10-235/T-5987, during which the Commission considered the environmental assessment and recommended to the Council of the City of Fresno approval, as evidenced in Planning Commission Resolution No. 13087, of the rezone application to amend the City's Zoning Ordinance on real property described herein below from the R-1-EH (*Single Family Residential Estate, minimum lot size of 37,500 square feet—Horses permitted*) and R-1-AH (*Single Family Residential, minimum lot size of 20,000 square feet—Horses permitted*) zone districts to the R-1 (*Single Family Residential*) zone district; and,

WHEREAS, the Council of the City of Fresno, on the 28<sup>th</sup> day of April, 2011, received the

Adopted 4-28-11  
Approved 4-28-11  
Effective 5-29-11

2011-13



recommendation of the Planning Commission.

NOW, THEREFORE, THE COUNCIL OF THE CITY OF FRESNO DOES ORDAIN AS FOLLOWS:

SECTION 1. Based upon the testimony and information presented at the hearing and upon review and consideration of the environmental documentation provided, the adoption of the proposed rezoning is in the best interest of the City of Fresno. The Council finds in accordance with its own independent judgment that with the project specific mitigation imposed, there is no substantial evidence in the record that Rezone Application No. R-10-011 may have additional significant effects on the environment that were not identified in the 2025 Fresno General Plan Master Environmental Impact Report No. 10130 ("MEIR") and Mitigated Negative Declaration No. A-09-02/SCH No. 2009051016; and, that all applicable mitigation measures of MEIR No. 10130 and MND No. A-09-02 have been applied to the project, together with project specific mitigation measures necessary to assure that the project will not cause significant adverse cumulative impacts, growth inducing impacts and irreversible significant effects beyond those identified by MEIR No. 10130 or MND No. A-09-02 as provided by CEQA Section 15178(a). In addition, pursuant to Public Resources Code, Section 21157.6(b)(1), Council finds that no substantial changes have occurred with respect to the circumstances under which the MEIR was certified and Mitigated Negative Declaration No. A-09-02/SCH No. 2009051016 was adopted; and, that no new information, which was not known and could not have been known at the time that the MEIR was certified as complete, and Mitigated Negative Declaration No. A-09-02/SCH No. 2009051016 was adopted, has become available. Accordingly, the Council adopts the Mitigated Negative Declaration prepared for Environmental Assessment No. A-10-010/R-10-011/C-10-235/T-5987 dated March 4, 2011.

SECTION 2. The Council finds the recommended R-1 (*Single Family Residential*) zone district is consistent with the proposed Medium Density Residential planned land use designations of the 2025 Fresno General Plan and the Bullard Community Plan as specified in Section 12-403-B of the



Fresno Municipal Code, respectively.

SECTION 3. The Council finds that the zone district of the real property described hereinbelow, located in the City of Fresno and shown on the Official Zone Map of the City of Fresno, is reclassified from the R-1-EH (*Single Family Residential Estate, minimum lot size of 37,500 square feet—Horses permitted*) and R-1-AH (*Single Family Residential, minimum lot size of 20,000 square feet—Horses permitted*) zone districts to the R-1 (*Single Family Residential*) zone district:

**From R-1-EH & R-1-AH to R-1:**

As described in the attached Exhibit "A"

SECTION 4. This ordinance shall become effective and in full force and effect at 12:01 a.m. on the thirty-first day after its passage.

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CLERK'S CERTIFICATION

STATE OF CALIFORNIA     )  
COUNTY OF FRESNO     )  
CITY OF FRESNO         )

I, REBECCA E. KLISCH, City Clerk of the City of Fresno, certify that the foregoing Ordinance was adopted by the Council of the City of Fresno, California, at a regular meeting held on the 28<sup>th</sup> day of April, 2011, by the following vote:

AYES: Baines, Borgeas, Olivier, Quintero, Westerlund, Xiong, Brand  
NOES: None  
ABSENT: None  
ABSTAIN: None

REBECCA E. KLISCH  
City Clerk

By Rebecca E. Klisch

APPROVED AS TO FORM:

JAMES C. SANCHEZ  
City Attorney

By Shannon L. Chaffin  
Senior Deputy City Attorney

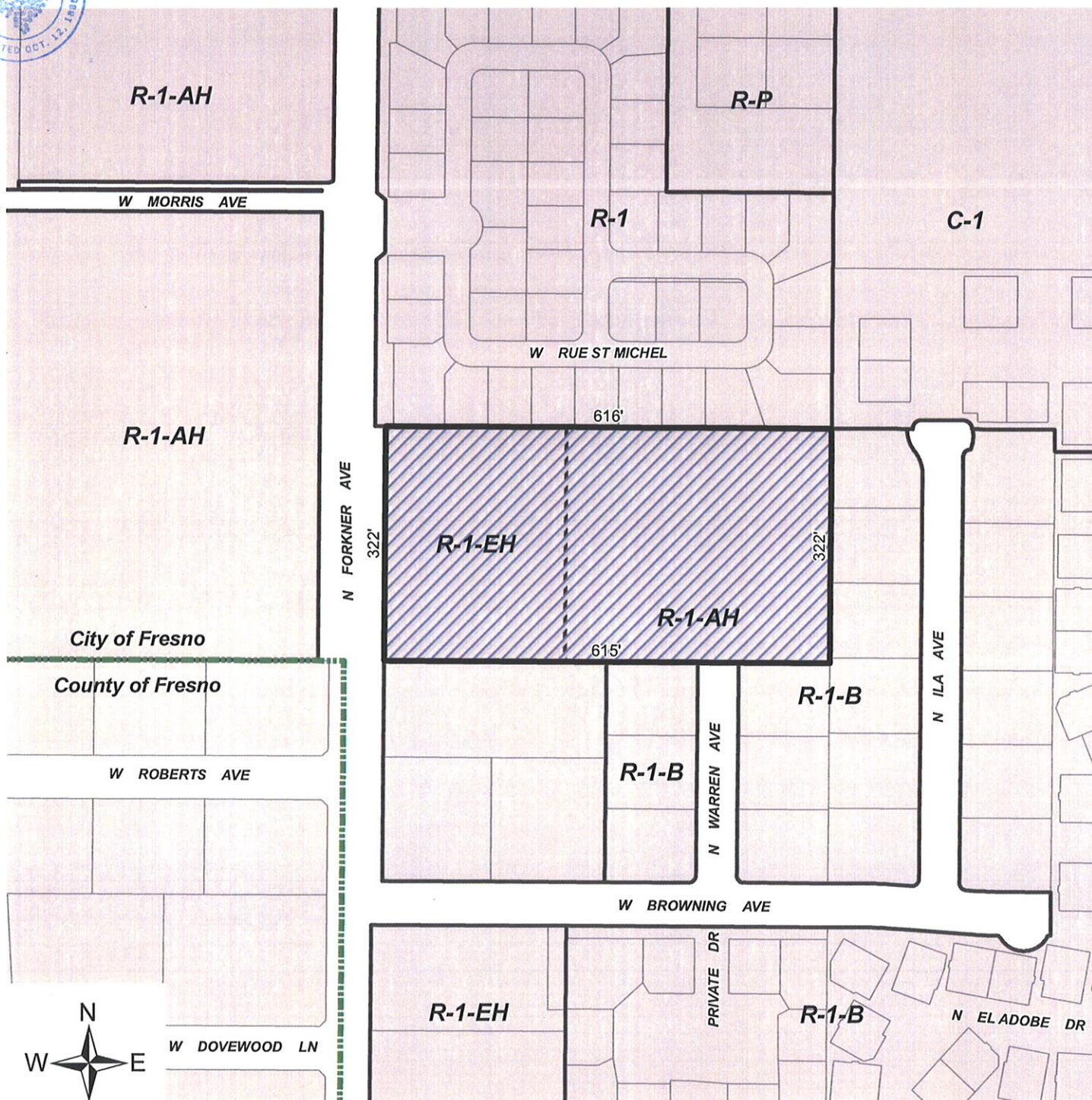
Date: 4/7/11

Rezone Application No. R-10-011  
Filed by Dirk Poeschel Land Development Services, Inc. on behalf of Wathen-Castanos Hybrid Homes, Inc.  
APN(s): 415-034-18





# EXHIBIT A



0 105 210 420 Feet

R-10-011  
APN: 415-034-18  
5690 North Forkner Avenue



R-1-EH and R-1-AH to R-1, 4.55 Acres



City Limits